

## Minutes of the Independence City Commission's November 10, 2016 Meeting.

The Independence City Commission met on November 10, 2016 at 5:30pm in the Veterans Room at Memorial Hall. Mayor Gary Hogsett, Commissioner Leonhard Caflisch, and Commissioner Fred Meier were present,

### **City Staff**

Micky Webb, City Manager  
Kelly Passauer, Assistant City Manager  
Brenda Weaver, Deputy City Clerk  
Mike Passauer, Public Works Director

### **Visitors**

Gene Carlson	Paul and Carol Fairbank
Daniel Turr	Lonnie Gorman
Charlotte Caflisch	Debbie Miller
Mike Craig	Pat Bride
Jennifer Beurskens	Louis Ysusi
Jeff Weimer	Judy Ysusi
Larry Weimer	Ned Stichman
Jacob Everitt	Mary Jo Meier
Jerry Bright	Joseph Wynn
Jon Risner	

### **Appointments**

Library Board of Trustees – 1 Resignation – Applications extended to November 18, 2016

### **Adoption of the Consent Agenda**

#### **a. Appropriations**

##### **1. A-1778**

#### **Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the commission approved A-1778 for \$956,398.49.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

##### **2. P-1742**

#### **Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the commission approved P-1742 for \$128,689.05.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- b. Consider minutes of the October 26, 2016 City Commission meeting [CITIZENS].

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the commission approved the minutes of the October 26, 2016 City Commission meeting.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- c. Consider proclaiming November 26, 2016 as Small Business Saturday [BUSINESS & INDUSTRY].

Attached is a proclamation requested by Main Street declaring November 26, 2016 as Small Business Saturday. They requested this item be added to the consent agenda. City staff recommends approval.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the commission approved the proclamation declaring November 26, 2016 as Small Business Saturday.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- d. Consider a resolution of support for a tax credit housing project applied for by Cohen Esrey Affordable Partners, LLC for 300 East Myrtle Street [CITIZENS/QUALITY OF LIFE SYSTEMS].

Attached is a resolution of support and narrative for the proposed tax credit housing project for the former Washington School building. City staff recommends approval.

**Motion:**

**On the motion of Commissioner Caflisch, seconded by Mayor Hogsett, the commission adopted Resloution 2016-062 supporting a tax credit housing project applied for by Cohen Esrey Affordable Partners, LLC for 300 East Myrtle Street.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

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- e. Consider a request from Relay for Life to hold a 5K Run at Riverside Park on November 19, 2016 from 8 AM until 10 AM [CITIZENS].

Attached is a request from Relay for Life, represented by Debra Caldwell to hold a 5K Run in the park on November 19, 2016 from 8 AM until 10 AM. They originally wanted to hold it in the afternoon, however, in checking with staff several buildings were checked out that day and shutting down park streets would limit access to those facilities. City staff recommends authorizing the run pending coordination with the Park and Zoo Director and obtaining special event insurance.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the commission authorized the run pending coordination with the Park and Zoo Director and obtaining special event insurance.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- f. Consider awarding a contract to DBI for construction and installation of the new AWOS III PT at the Independence Municipal Airport [BUSINESS & INDUSTRY].

Attached is a memo and documentation relating to awarding the installation of the new AWOS III PT system at the Independence Municipal Airport. The total project cost is \$165,000, with the City share being \$16,500. City staff recommends awarding the contract to DBI.

**Motion:**

**On the motion of Commissioner Caflisch, seconded by Mayor Hogsett, the commission awarded the contract to DBI for construction and installation of the new AWOS III PT at the Independence Municipal Airport.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- g. Consider accepting a TBRA grant in the amount of \$90,000 [CITIZENS/QUALITY OF LIFE SYSTEMS].

The Independence Housing Authority applied for and received a Tenant Based Rental Assistance Grant in the amount of \$90,000. City staff recommends accepting the grant and authorizing signing any related documents.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the commission accepted the grant and authorized signing any related documents.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

### **Public Hearing**

- h. Public hearing to consider condemnation of 309 Cypress as dangerous and unsafe [CITIZENS].

After the public hearing, the Commission will need to determine if they wish to proceed with condemnation. If so, the motion would be to adopt a resolution condemning the property and providing a certain number of days to diligently pursue repair or removal.

**The Mayor opened the public hearing.**

**The building inspector presented the background on this property, noting that it does not pass an HQS inspection.**

**Gene Carlson, property owner, addressed the commission regarding the property.**

**April Nutt explained that the house was not actually condemned because the previous owner had signed a document allowing removal.**

**The Mayor closed the public hearing.**

### **Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission adopted Resolution 2016-063 condemning 309 Cypress as dangerous and unsafe.**

**Aye: Hogsett, Meier**

**Nay: Caflisch**

### **Items for Commission Action**

- i. Consider bids received for removal of the following previously condemned properties [CITIZENS]:
  - 1. 508 S. 16<sup>th</sup>
  - 2. 804 W. Main
  - 3. 601 S. 1<sup>st</sup>
  - 4. 609 E. Poplar
  - 5. 625 N. 16<sup>th</sup>

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The City received bids for removal of the above properties on November 3, 2016. Only one bidder, JRB, provided bids as follows:

Address	JRB
508 S 16th	\$5,800.00
804 W Main	\$5,800.00
601 S 1st	\$3,200.00
609 E Poplar	\$3,400.00
625 N 16th	\$3,800.00
Total	\$22,000.00

City staff recommends awarding the bids to JRB as noted in the above table.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the commission awarded the bid for 508 S 16<sup>th</sup> to JRB for \$5,800 .**

**Aye: Hogsett, Meier, Caflisch**

**Nay: None**

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission tabled discussion on the bid for demolition of 804 W Main.**

**Aye: Hogsett, Meier, Caflisch**

**Nay: None**

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission awarded the bid for 601 S 1<sup>st</sup> to JRB for \$3,200 .**

**Aye: Hogsett, Meier, Caflisch**

**Nay: None**

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission awarded the bid for 609 E Poplar to JRB for \$3,400 .**

**Aye: Hogsett, Meier, Caflisch**

**Nay: None**

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission awarded the bid for 625 N 16<sup>th</sup> to JRB for \$3,800 .**

**Aye: Hogsett, Meier, Caflisch**

**Nay: None**

- j. Consider setting the date of January 26, 2017 for public hearings to consider condemnation of the following properties as dangerous and unsafe:

1. 909 E. Hill
2. 412 N. 19<sup>th</sup>

The Building Inspector will review the above properties at the meeting for consideration of setting public hearings to consider condemnation as dangerous and unsafe.

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Caflisch, the commission adopted Resolution 2016-060, setting the date of January 26, 2017 for a public hearing to consider condemning 909 E. Hill as dangerous and unsafe.**

**Aye: Hogsett, Meier, Caflisch**

**Nay: None**

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission adopted Resolution 2016-061, setting the date of January 26, 2017 for a public hearing to consider condemning 412 N. 19<sup>th</sup> as dangerous and unsafe.**

**Aye: Hogsett, Meier, Caflisch**

**Nay: None**

- k. Consider final assessed valuation and final mill levy [CITIZENS].

Attached is a memo from the Finance Director/City Clerk regarding her recommendation regarding the final assessed valuation and final mill levy.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission approved the final mill levy .**

**Aye: Hogsett, Meier, Caflisch**

**Nay: None**

- i. Consider a request to override the State Historic Preservation Office for a project at 117 N. Penn in the downtown historic district [BUSINESS & INDUSTRY/CITIZENS].

Attached is a letter from Jennie Chinn, State Historic Preservation Officer (SHPO) in regards to the review of a project to alter and/or improve a contributing building in the Downtown Historic District which is on the National Register. The property owner is requesting that the Commission consider overriding the SHPO. In order to do that, after investigation and a public hearing the Independence City Commission must find no alternatives and verifies that all planning has been done to minimize harm to this building and its neighbors. The city is then required to give five days' notice of such determination to the SHPO before issuing the permit for work.

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission considered all relevant factors and there is no reasonable or prudent alternative to the proposal and planning has been done to minimize harm to this building and its neighbors.**

**Aye: Hogsett, Meier, Caflisch**

**Nay: None**

- m. Consider quotes received for replacement of the heating system at the Independence Municipal Airport round top hangar [CITIZENS].

Attached is an email recommendation from Sean Clapp of Heckman & Associates and a copy of the quotes received to replace the heating system at the round top which has recently been leased out to a new business.

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission approved the bid for the radiant tube heaters for the round top hangar.**

**Aye: Hogsett, Meier, Caflisch**

**Nay: None**

- n. Consider an agreement with Mike Conway to purchase one acre in the West Laurel Industrial Park with an option for a 2<sup>nd</sup> acre [CITIZENS/BUSINESS & INDUSTRY].

Attached is an agreement prepared by the City Attorney for sale of one acre in the West Laurel Industrial Park with an option to purchase a second acre at a later date. The City Attorney will review the agreement at the meeting.

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission approved the agreement with Mike Conway to purchase one acre in the West Laurel Industrial Park with an option for a 2<sup>nd</sup> acre.**

**Aye: Hogsett, Meier, Caflisch**

**Nay: None**

- o. Consider an agreement to replace the Ash Center Roof due to hail damage [CITIZENS/EDUCATION].

Attached is an email narrative from Sean Clapp of Heckman & Associates regarding replacement of the Ash Center Roof due to hail damage. As the Commission is aware, the City entered into an interlocal agreement many years ago with the school district and Recreation Commission to share expenses relating to the Ash Center. We will review this project in further detail at the meeting.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission approved the bid submitted by Wray Roofing contingent upon the school district and Recreation Commission approving their portions of the project.**

**Aye: Hogsett, Meier, Caflisch**

**Nay: None**

**Reports**

- p. Report on sales tax [BUSINESS & INDUSTRY].

Attached is the latest sales tax report.

- q. Update on City projects [CITIZENS].

City staff will provide updates on City projects.

**The City Manager reported that the rate study is being updated due to a staff error that excluded all outside of the city accounts.**

**Downtown trees are in progress, but it has been recommended to wait until after the first frost.**

**Water line project for Labette Health – we have encountered more rock than we expected, and may have to rent equipment to help us get through that.**

**Newspaper wanted to know if we would like to do a thank you to all city employees who helped on the festival and invited the Commission to be part of that as well.**

- r. **Report on City board minutes [CITIZENS].**

**Attached are minutes from the October 18, 2016 Recreation Commission meeting.**

### **Commission Comments**

- **Commissioner Caflisch – wondered if we have revised costs for operating building D or new budget to look at.**
- **Mayor Hogsett would like to discuss the agreement with Treanor.**

### **Public Concerns**

**Debbie Miller – Last week, she obtained from the District Court a copy of the summary order related to sewer district 2. Two things should be of great concern to any commissioner. First, Judge Collins noted the city was unable to provide information relevant to the case. Earlier this year, she filed 2 Open Records complaints against the City. She now has 14 more complaints and have recently retained an attorney to explore the possibility of filing a civil suit against the city. Secondly, for the last 5 years, the city has raised the water and sewer rates 5 percent for a compounded rate of over 27 percent. State law imposes a mandatory duty to establish and set reasonable rates. The judge noted the City has not done that. For the last 5 years, the City has violated our rates and our laws when setting those rates. These ill gotten revenues have been moved from the water department to the general fund. We now have a \$3 million dollar bill to repair water facilities which should have been maintained. We are facing the same issue with City hall. We have endured a City government that has been poorly, and sometimes illegally, run for the last 6 years. Please do not renew Micky Webb's contract. No one should have to endure a city government that is poorly run.**

### **Executive Session(s)**

#### **Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission called a 15 minute executive session according to Kansas Statue 75-4319 (b) (2) for the purpose of consultation with an attorney**

10/10/10

10/10/10

for the body or agency which would be deemed privileged in the attorney-client relationship, to end at 7:30. The executive session included Mayor Hogsett, Commissioner Meier, Commissioner Caflisch, Micky Webb, Kelly Passauer, Jeff Chubb.

Aye: Caflisch, Meier, Hogsett

Nay: None

Mayor Hogsett called the meeting to order at 7:30.

**Motion:**

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission called a 20 minute executive session according to Kansas Statue 75-4319 (b) (1) for the purpose of personnel matters of nonelected personnel, to end at 7:40. The executive session included Mayor Hogsett, Commissioner Meier, and Commissioner Caflisch.

Aye: Caflisch, Meier, Hogsett

Nay: None

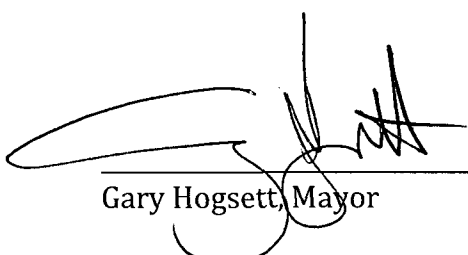
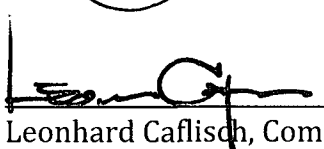

**Adjournment**

**Motion:**

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission adjourned the meeting.

Aye: Caflisch, Meier, Hogsett

Nay: None

  
\_\_\_\_\_  
Gary Hogsett, Mayor  
\_\_\_\_\_  
Leonhard Caflisch, Commissioner  
\_\_\_\_\_  
Fred Meier, Commissioner

Attest:

  
\_\_\_\_\_  
Jennifer D. Rutledge  
Director of Finance/City Clerk

**Attendance Sheet**  
**City Commission Meeting**  
**November 10, 2016**

**PLEASE PRINT**

Name

Address

1	GGNE CARLSON, ARKS LLC	305 N. NIOSHO, CIVILLE
2	Daniel Turner	102 S 1st
3	Charlotte Caglish	600 S. 5th
4	Mike Cruz	206 N 2nd
5	Jennifer Beurskens Everett	117 N. Penn
6	Jeff Weiner	700 N Tenth
7	Ray Wynn	601 B. Co St
8	Paul Smith	117 N. Penn
9	Jerry Smith	
10	JOHN RISHOR	123 W Main
	Paul & Carol Fairbank	1400 N. 9th
12	Louise D. Lammam.	419 S. 12th St.
13	Dillie Miller	Box 571
14	PAT KIRK	3077 W. 4600
15	Louis & Judy Grouse	112 Timberlane
16	NED STECHMAN	
17	Mary Jo Meier	2712 Lenka Lane
18	Joseph Wynn	500 N. Main Carey, KS